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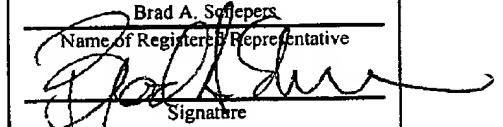
JAN 20 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner:
Charles L. Branch et al.)	Pedro Philogene
)	
Application Serial No.: 09/870,023)	Group Art Unit: 3731
)	
Filed: May 30, 2001)	Ref. No.: MSDI-213/
)	PC365.05
)	
INTERBODY FUSION GRAFTS)	January 20, 2006
AND INSTRUMENTATION)	

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on January 20, 2006.

Brad A. Seijpers
Name of Registered Representative



Signature

January 20, 2006
Date of Signature

Via Facsimile Transmission: 571-273-8300

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56, Applicant wishes to bring to the attention of the Examiner the following patents, publications and/or other information listed on the attached PTO Form SB/08A and/or SB/08B.

The cited information was previously submitted in this application by the Applicant via an Information Disclosure Statement filed with the application on May 30, 2001. However, the acknowledged copy of the Information Disclosure Statement accompanying the non-final Office Action mailed September 13, 2002 crossed out (3) three of the submitted references, presumably for the reason that the Information Disclosure Statement did not indicate a publication date for these references. The Applicant has not included copies of the cited references since the references are already of record in the subject application. The Applicant has included the publication date for PCT Publication No. WO 98/17209. However, the two non-patent publications are not dated, and the publication dates associated therewith are therefore unknown.

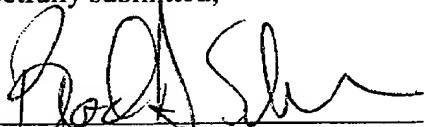
Information Disclosure Statement
Application Serial No. 09/870,023
Inventors: Branch et al.
Page 1 of 2

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56 or prior art.

This statement is being submitted in conjunction with the filing of a Request for Continued Examination, and therefore no fee is believed due for consideration of the same. However, should any fees be required, please charge the same to Deposit Account 12-2424, but not including the payment of any issue fees that are or may become due.

Respectfully submitted,

By:


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Information Disclosure Statement
Application Serial No. 09/870,023
Inventors: Branch et al.
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Doc. No. 672,858 WEMMH/SB/08A (4/03)
Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449A/PTO				<i>Complete if Known</i>	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	09/870,023
(use as many sheets as necessary)				Filing Date	May 30, 2001
				First Named Inventor	Charles L. Branch
				Group Art Unit	3731
				Examiner Name	Pedro Philogene
Sheet	1	of	2	Attorney Docket Number	MSDI-213/PC365,05

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T#
		Country Code ² -Number ³ -Kind Code ⁴ (If known)				
		WO 98/17209 A2	04-30-1998	SDGI Holdings, Inc.		

Examiner Signature		Date Considered	
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Doc. No. 672,654 WEMMH/SB/08B (4/03)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	09/870,023
(use as many sheets as necessary)				Filing Date	May 30, 2001
				First Named Inventor	Charles L. Branch
				Group Art Unit	3731
				Examiner Name	Pedro Philogene
Sheet	2	of	2	Attorney Docket Number	MSDI-213/PC365.05

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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